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8 Attorneys for Defendant
9 RAMESH "SUNNY" BALWANI

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 RAMESH "SUNNY" BALWANI,
18 Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.
COOPERSMITH IN SUPPORT OF
DEFENDANT RAMESH BALWANI'S
SUPPLEMENTAL SENTENCING
MEMORANDUM RE: RESTITUTION**

19 Judge: Honorable Edward J. Davila

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1 **DECLARATION OF JEFFREY B. COOPERSMITH**

2 I, Jeffrey B. Coopersmith, declare as follows:

3 1. I am lead counsel for defendant Ramesh “Sunny” Balwani in this case, an attorney
4 admitted to practice in the State of California, and a partner at the law firm of Orrick, Herrington
5 & Sutcliffe LLP. I submit this declaration in support of Mr. Balwani’s supplemental sentencing
6 memorandum regarding restitution.

7 2. Attached as **Exhibit A** is a copy of the transcript of the December 7, 2022 sentencing
8 hearing for Mr. Balwani.

9 3. Attached as **Exhibit B** is a copy of a May 2017 Exchange and Release Agreement among
10 Theranos, Inc., certain Theranos C-1 and C-2 preferred stockholders, and Elizabeth Holmes.

11 4. Attached as **Exhibit C** is a copy of a document bearing production numbers
12 SBCOLMAN008860–69, a July 8, 2016 Agreement Terminating the Master Purchase
13 Agreement and Releasing Claims between Safeway Inc. and Theranos, Inc.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed February 10, 2023, in Bellevue, Washington.

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s/Jeffrey B. Coopersmith

18 JEFFREY B. COOPERSMITH

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